

**IC 15-4**

**ARTICLE 4. AGRICULTURAL COMMODITIES**

**IC 15-4-1**

Chapter 1. Indiana Seed Law

**IC 15-4-1-1**

**Short title**

Sec. 1. This chapter may be known and cited as the "Indiana Seed Law."

*(Formerly: Acts 1957, c.12, s.1.) As amended by P.L.183-1983, SEC.80.*

**IC 15-4-1-2**

**State seed commissioner**

Sec. 2. The provisions of this chapter shall be administered by the state chemist who shall be known as the state seed commissioner.

*(Formerly: Acts 1957, c.12, s.2.) As amended by P.L.183-1983, SEC.81.*

**IC 15-4-1-3**

**Definitions**

Sec. 3. As used in this chapter:

(a) The term "person" shall mean any individual, partnership, company, or corporation.

(b) The term "agricultural seed" shall mean the seeds of legume, grass, forage, cereal, and fiber crops; and it shall include other kinds of seeds commonly recognized in this state as agricultural seeds, lawn seeds, and mixtures of such seeds.

(c) The term "vegetable seeds" shall mean the seeds of those crops which are grown commercially, and in home gardens, and are commonly known and sold in this state as vegetable seeds.

(d) The term "weed seeds" shall mean the seeds of all plants commonly recognized as weeds in this state, and includes noxious weed seeds.

(e) The term "noxious weed seeds" shall mean:

(1) "prohibited noxious weed seeds", which are the seeds of perennial weeds such as not only reproduce by seed but also spread by underground roots, stems, and other reproductive parts; and which, when well established, are highly destructive and difficult to control by ordinary good cultural practice; and

(2) "restricted noxious weed seeds", which are the seeds of such weeds as are very objectionable in fields, lawns, and gardens of this state, but can be controlled by good cultural practices.

(f) The term "labeling" shall mean the use of any labels, and other written, printed, or graphic representations, in any form whatsoever, accompanying or associated with any lot of seed whether in bulk or in containers, and includes any representations on the invoices.

(g) The term "advertisement" shall mean all representation, other than those on the label, disseminated in any manner or by any means,

relating to seed within the scope of this chapter.

(h) The term "record" shall mean all information relating to the shipment or distribution of a lot of seed and includes a file sample of each lot of seed.

(i) The term "distribute" shall mean the sale, offer to sell, to barter, or otherwise supply or transport for sale, agricultural or vegetable seeds for sowing and seeding purposes in the state of Indiana.

(j) The term "kind" shall mean one (1) or more related species or subspecies which singly or collectively are known by one (1) common name: as for example corn, oats, alfalfa, and timothy.

(k) The term "variety" shall mean a subdivision of a kind characterized by growth, yield, plant, fruit, seed, or other characteristics, by which it can be differentiated from other plants of the same kind.

(l) The term "lot" shall mean a definite quantity of seed identified by a lot number or other mark, every portion or bag of which is uniform within recognized tolerances for the factors which appear in the labeling.

(m) The term "hybrid" shall mean the first generation of a cross made under controlled conditions between strains of different parentage and of satisfactory purity. The state seed commissioner may, by regulation, define controlled conditions and satisfactory purity for the production of hybrid seed of any kind. Any hybrid designations shall be treated as variety names.

(n) The term "percent" or "percentage" shall mean the percentage by weight.

(o) The terms "pure seed", "germination", and other seed labeling and testing terms in common usage shall be defined by regulations promulgated by the state seed commissioner and shall be based on published sources such as the rules of the Association of Official Seed Analysts.

(p) The term "treated" shall mean that the seed has been subjected to an application of a substance or a process in such a way as to reduce, control, or repel certain disease organisms, insects, or other pests attacking such seeds or seedlings growing therefrom or to change the appearance, growth pattern, or performance of the seed or seedlings growing from the seed.

(q) The terms "bulk lot" or "in bulk" shall mean seed in a nonpackaged form but not seeds in bags.

(r) The term "certifying agency" shall mean:

(1) an agency authorized under the laws of a state, territory, or possession of the United States of America to officially certify seed; or

(2) an agency of a foreign country determined by the state seed commissioner to adhere to procedure and standards for seed certification generally adhered to by certification agencies as stated.

(s) The term "type" shall mean the general physiological and morphological characters common to a number of varieties, which

varieties cannot be differentiated except under special conditions.

(t) The term "legume inoculant" shall mean a pure or mixed culture of bacteria of the genus *Rhizobium* capable of effectively inoculating a specific kind or specific kinds of legume plants.

(u) The term "pre-inoculated seed" shall mean seed to which has been applied prior to sale an application of a legume inoculant for the purpose of effectively nodulating the resultant plant until the expiration date of the inoculant which must be shown on the label.

(v) The term "label" means the display or displays of written, printed, or graphic matter on or attached to the seed container or accompanying seed sold in bulk quantities.

(w) The term "effective" as applied to inoculants means that under laboratory tests a minimum of two (2) nodules must be produced on or adjacent to the primary root on at least sixty-six percent (66%) of the plants in the test.

(x) The term "brand" means a word, name, number, or design used to identify seed of one (1) person to distinguish it from seed of another person.

*(Formerly: Acts 1957, c.12, s.3.) As amended by Acts 1977, P.L.171, SEC.1; P.L.124-1986, SEC.1.*

#### **IC 15-4-1-4**

##### **Agricultural seeds; information to be furnished purchaser; tag or label; bulk purchases**

Sec. 4. Each container of agricultural seed of any size consisting of more than one (1) pound which is distributed in this state for sowing and seeding purposes shall bear thereon or have attached thereto in a conspicuous place on the outside thereof a plainly written or printed tag or label in the English language giving the information required by this section. If the seed is distributed in bulk, the information required in this section shall accompany delivery and be supplied to the purchaser at the time of delivery. The labeling required for seeds sold in bags and packages, and in bulk as provided herein, shall include the following statements which shall not be modified or denied in the labeling attached to the container:

(a) The commonly accepted name of each kind and variety of each agricultural seed component in excess of five percent (5%) of the whole and the percentage by weight of each in the order of its predominance. However, the variety designation may be omitted if the label states the name of the kind and the words "variety not stated". Where more than one (1) component is required to be named, the word "mixture" or the word "mixed" shall be shown conspicuously on the label. A mixture consisting of two (2) or more varieties of the same kind may be designated as a "blend".

(b) Lot number or other lot identification.

(c) Origin (state or foreign country where grown) for all seeds except hybrid corn. If the origin is unknown, that fact shall be stated.

(d) The percentage of all weed seeds.

- (e) The name and rate of occurrence per pound of each kind of restricted noxious weed seed present.
- (f) The percentage of all other agricultural or vegetable seeds (which may be designated as "other crop seeds" or "crop seeds").
- (g) The percentage of inert matter.
- (h) For each named agricultural seed:
  - (1) The percentage of germination, exclusive of hard seed.
  - (2) The percentage of hard seeds if present.
  - (3) The calendar month and year the test was completed to determine such percentages.
- (i) The name and address of the person who labeled the seed or who distributed it within this state.
- (j) For all seed named and treated as defined in this chapter (for which a separate label may be used):
  - (1) A word or statement indicating that the seed has been treated.
  - (2) The commonly accepted coined chemical or abbreviated chemical (generic) name of any applied pesticide.
  - (3) A description of the process or the commonly accepted name of the substance applied if other than a pesticide.
  - (4) If the substance in the amount present with the seed is harmful to human or other vertebrate animals, a caution statement such as "Do Not Use For Food Or Feed Or Oil Purposes". The caution for mercurials and similarly toxic substances shall be a poison statement or symbol.
- (k) For all preinoculated seeds, in addition to other labeling requirements under this section (for which a separate label may be used):
  - (1) a word or statement indicating that the seed has been preinoculated; and
  - (2) the date beyond which the inoculant is not to be considered effective.

*(Formerly: Acts 1957, c.12, s.4.) As amended by Acts 1977, P.L.171, SEC.2; P.L.166-1985, SEC.1; P.L.124-1986, SEC.2.*

#### **IC 15-4-1-5**

##### **Vegetable seeds; information on label**

Sec. 5. Each container of vegetable seed of any size which is distributed within this state for sowing and seeding purposes shall have attached thereto in a conspicuous place on the outside thereof a plainly written or printed label in the English language giving the following information:

- (a) The name of the kind and variety of seed.
- (b) The name and address of the person who labeled or who distributed said seed.
- (c) For seeds which germinate less than the standard last established under this chapter:
  - (1) The percentage of germination, exclusive of hard seed.
  - (2) Percentage of hard seed, if present.

- (3) The calendar month and year the test was completed to determine such percentages.
  - (4) The words "Below Standard" in not less than 8-point type.
  - (d) For all seeds which have been treated, the same labeling shall be required as for agricultural seeds.
  - (e) The number of noxious weed seeds per pound of vegetable seed, if any are present.
- (Formerly: Acts 1957, c.12, s.5.) As amended by P.L.183-1983, SEC.82.*

#### **IC 15-4-1-6**

##### **Unlawful distribution; unlawful acts**

Sec. 6. (a) It is unlawful for any person to distribute agricultural or vegetable seeds within this state:

- (1) unless the test to determine the percentage of germination required by sections 4 and 5 of this chapter shall have been completed within a nine (9) month period, exclusive of the calendar month in which the test was completed immediately prior to distribution; however, the state seed commissioner may by rule designate:
    - (A) a shorter period for a kind of agricultural or vegetable seed which he finds under ordinary conditions of handling will not maintain, during a nine (9) month period, a germination within the established tolerance limits; or
    - (B) a longer period for a kind of agricultural or vegetable seed which is packaged in such container materials and under such conditions prescribed by the commissioner as he finds will, during the longer period, maintain the viability of the seed under ordinary conditions of handling;
  - (2) unless the seed is labeled in accordance with this chapter;
  - (3) if the seed carries labeling that is false or misleading in any particular;
  - (4) if the seed contains or consists of prohibited noxious weed seeds;
  - (5) if the seed consists of or contains restricted noxious weed seeds in excess of one-fourth of one percent (0.25%), or if less than one-fourth of one percent (0.25%) of such weed seeds by weight are present unless the number per pound is declared on the labeling;
  - (6) if it contains more than two and one-half percent (2 1/2%) of all weed seeds;
  - (7) if it is represented to be "certified seed", "registered seed", or "foundation seed", unless it has been produced and labeled in accordance with the procedures and in compliance with rules and regulations of an official or officially recognized seed certification or registration agency; or
  - (8) if the inoculant applied to pre-inoculated seed is ineffective as determined by standards established by rule.
- (b) It is unlawful for any person within this state:

- (1) to detach, alter, deface, or destroy any label provided for in this chapter or the rules made under this chapter or to alter or substitute seed in a manner that may defeat the purpose of this chapter;
- (2) to disseminate any false or misleading advertisements concerning agricultural or vegetable seeds in any manner or by any means;
- (3) to hinder or obstruct in any way any authorized person in the performance of his duties under this chapter;
- (4) to fail to comply with a "Stop Sale" order as provided in section 9 of this chapter;
- (5) to use the word "trace" as a substitute for any statement which is required, or to use the word "type" in any labeling in connection with the name of any seed variety;
- (6) to use a state seed commissioner tag or label more than once;
- (7) to sell grain or other seed which has been treated, as defined in this chapter, to any person for any purpose unless the grain or seed is clearly labeled as required in sections 4 and 5 of this chapter;
- (8) to distribute seed colored so that it does not contrast with the natural color of the seed;
- (9) to distribute noxious weed seeds; or
- (10) to assign the same brand designation to more than one (1) variety or blend of the same kind of seed, if not sold by variety name.

*(Formerly: Acts 1957, c.12, s.6.) As amended by Acts 1977, P.L.171, SEC.3; P.L.124-1986, SEC.3.*

#### **IC 15-4-1-7**

##### **Records; file samples**

Sec. 7. Each person whose name appears on the label as distributing agricultural or vegetable seeds subject to this chapter shall keep for a period of two (2) years complete records of each lot of agricultural or vegetable seed distributed and keep for one (1) year a file sample of each lot of seed that is distributed after final disposition of said lot. All such records and samples pertaining to the shipment or shipments involved shall be accessible for inspection by the state seed commissioner or his agent during customary business hours.

*(Formerly: Acts 1957, c.12, s.7.) As amended by P.L.183-1983, SEC.83.*

#### **IC 15-4-1-8**

##### **Exemptions from labeling requirements**

Sec. 8. (a) The provisions of sections 4 and 5 of this chapter shall not apply to:

- (1) Seed or grain not intended for seeding and sowing purposes except that agricultural seeds treated, as defined in this chapter, shall be labeled in accordance with section 4 of this chapter

when sold to any person for any purpose whether the seed is in containers or in bulk.

(2) Seed in storage or seed which is being transported or consigned to a seed cleaning or processing establishment for cleaning or processing if the invoice or labeling accompanying any shipment of said seed bears the statement "Seed For Processing". Any labeling or other representation which may be made with respect to the uncleaned or unprocessed seed shall be subject to this chapter.

(3) Any carrier in respect to any seed transported or delivered for transportation in the ordinary course of its business as a carrier if the carrier is not engaged in producing, processing, or distributing agricultural or vegetable seeds subject to the provisions of this chapter.

(4) Seed grown, sold, and delivered by the producer on his own premises directly to the purchaser: Provided, That the seed contains no prohibited noxious weed seeds and/or not more than one-fourth (1/4) of one percent (1%) of restricted noxious weed seeds and/or not more than two and one-half percent (2 1/2%) of all weed seeds. If, however, said seed be advertised for sale through the medium of the public press, by circular, by catalog, or by exposing a sample of the seed or a printed or written statement pertaining to the seed in a public place or in any place of business, or if the seed is delivered by a common carrier, except when transported for the purpose of being recleaned as provided in this section, said producer shall be considered a vendor and said seed must meet all requirements of this chapter including complete labeling of the seed. For cereal and soybean seed where the purpose for which the seed is intended may be in question, all seeds advertised for sale by variety name or as processed or tested or treated or offered at a price substantially higher than current market prices, shall be presumed to be offered for seeding purposes and subject to the labeling provisions of this chapter.

(b) No person shall be subject to the penalties of this chapter for having distributed agricultural or vegetable seed which was incorrectly labeled or represented as to kind, variety, or origin which seeds cannot be identified by examination thereof, unless he has failed to obtain an invoice, genuine grower's declaration, or other labeling information and to take such other precautions as may be reasonable to insure the identity to be that stated.

*(Formerly: Acts 1957, c.12, s.8.) As amended by Acts 1977, P.L.171, SEC.4.*

#### **IC 15-4-1-9**

##### **Administrative duties**

Sec. 9. (a) The duty of administering this chapter shall be vested in the state seed commissioner who may act through his authorized agent:

(1) To sample, inspect, make analysis of, and test agricultural

and vegetable seeds distributed within the state for seeding and sowing purposes, at such time and place and to such extent as he may deem necessary to determine whether the agricultural or vegetable seeds are in compliance with this chapter, and to notify the distributor of any violations.

(2) To prescribe, and after public hearing following due public notice, to adopt rules governing methods of sampling, inspecting, analyzing, testing, and examining agricultural and vegetable seed, tolerances to be followed in the administration of this chapter, and other rules necessary to secure the efficient enforcement of this chapter.

(3) To prescribe and, after public hearing following due public notice, establish, add to, or subtract therefrom by rule prohibited and restricted noxious weed lists.

(4) To prescribe and, after public hearing following due public notice, to adopt rules establishing reasonable standards of germination for vegetable seeds.

(5) To adopt rules establishing standards for the effectiveness of legume inoculant applied to preinoculated seed.

(6) To adopt rules governing the treatment of seed and the labeling and distribution of treated seed.

(7) To publish at least once a year, in such form as he may deem proper, information concerning the sales of agricultural and vegetable seeds and the results of the analysis of official samples of agricultural and vegetable seeds sold within the state as compared with the analysis guaranteed on the label; however, information concerning production and use of agricultural and vegetable seeds shall not disclose the operation of any person.

(b) For the purpose of carrying out this chapter, the state seed commissioner, individually or through his authorized agent, is authorized:

(1) To enter upon any public or private premises during regular business hours in order to have access to seeds and the records connected therewith, subject to this chapter and the rules adopted under this chapter, and to enter any truck or other conveyor by land, water, or air at any time when the conveyor is accessible, for the same purpose.

(2) To issue and enforce a written or printed "Stop Sale" order to the owner or custodian of any lot of agricultural or vegetable seed which the state seed commissioner or his agent finds is in violation of this chapter or rules adopted under this chapter, which order shall prohibit further sale, processing, and movement of such seed, except on approval of the state seed commissioner, until he has issued a release from the "Stop Sale" order of such seed. In respect to seed which has been denied sale, processing, and movement as set forth in this subdivision, the owner or custodian of such seed shall have the right to appeal from said order to a court of competent jurisdiction in the locality in which the seed is found, in compliance with IC 4-21.5, praying for a judgment as to the justification of such



order for the discharge of such seed from the order prohibiting the sale, processing, and movement in accordance with the findings of the court. This subdivision shall not be construed as limiting the right of the state seed commissioner to proceed as authorized by other sections of this chapter.

(3) To establish and maintain or make provisions for seed testing facilities, to employ qualified persons, and to incur such expenses as may be necessary to comply with these provisions.

(4) To make or provide for making purity and germination tests of seed for farmers and dealers on request, to prescribe rules governing such testing, and to collect for the tests made.

(5) To cooperate with the United States Department of Agriculture and other agencies in seed law enforcement.

(c) The state seed commissioner or his agent shall have access to the premises of any producer of hybrid seed for the purpose of determining whether the seed produced meets the definition stated. *(Formerly: Acts 1957, c.12, s.9.) As amended by Acts 1977, P.L.171, SEC.5; P.L.7-1987, SEC.66.*

#### **IC 15-4-1-10**

##### **Seizures; condemnation; disposition**

Sec. 10. Any lot of agricultural or vegetable seed not in compliance with the provisions of this chapter shall be subject to seizure on complaint of the state seed commissioner to a court of competent jurisdiction in the locality in which the seed is located. In the event that the court finds the seed to be in violation of this chapter and orders the condemnation of said seed, it shall be denatured, processed, destroyed, relabeled, or otherwise disposed of in compliance with the laws of this state. Provided, that in no instance shall the court order such disposition of said seed without first having given the claimant an opportunity to apply to the court for the release of said seed or permission to process or relabel it to bring it into compliance with this chapter.

*(Formerly: Acts 1957, c.12, s.10.) As amended by P.L.183-1983, SEC.84.*

#### **IC 15-4-1-11**

##### **Injunction**

Sec. 11. The state seed commissioner is hereby authorized to apply for, and the court to grant, a temporary or permanent injunction to restrain any person from violating or continuing to violate any of the provisions of this act, or of any rule or regulation promulgated under the provisions of this act, notwithstanding the existence of other remedies at law. Whenever such an injunction is granted, no bond shall be required.

*(Formerly: Acts 1957, c.12, s.11.)*

#### **IC 15-4-1-12**

##### **Violations**

Sec. 12. A person who violates this chapter commits a Class C

infraction, except as provided in section 14 of this chapter.  
(Formerly: Acts 1957, c.12, s.12.) As amended by Acts 1978, P.L.2,  
SEC.1522.

#### **IC 15-4-1-13**

##### **Financing inspection costs; state seed commissioner tags and labels; distributors' annual fee; self-labeling permit fee; disposition of fees**

Sec. 13. (a) For the purpose of defraying the costs of inspection, analysis, publication, and other expenses incurred in the administration of this chapter, the tags or labels specified in sections 4 and 5 of this chapter shall be purchased from the state seed commissioner who shall receive six cents (\$0.06) for each twenty-five (25) pound tag or label, twelve cents (\$0.12) for each fifty (50) pound tag or label, eighteen cents (\$0.18) for each seventy-five (75) pound tag or label, and twenty-four cents (\$0.24) for each one hundred (100) pound tag or label for alfalfa, clover, vegetable, and grass seeds or mixtures of any of these; and two and one-fourth cents (\$0.0225) for each twenty-five (25) pound tag or label, four and one-half cents (\$0.045) for each fifty (50) pound tag or label, six and three-fourths cents (\$0.0675) for each seventy-five (75) pound tag or label, nine cents (\$0.09) for each hundred (100) pound tag or label, and nine cents (\$0.09) for one hundred (100) pounds for each tag or label which he may furnish in denominations larger than one hundred (100) pounds for all other agricultural seeds included in this chapter. Such tags purchased from the state seed commissioner shall bear the facsimile signature of the state seed commissioner, shall be referred to as state seed commissioner tags or labels, and shall be completely filled out with the information required in sections 4 and 5 of this chapter and attached to containers or be delivered with sales of agricultural or vegetable seeds distributed in bulk in quantities of more than one (1) pound. A distributor or his successor may return for credit any unused state seed commissioner tags or labels which have become obsolete. Credit for the return of such obsolete tags or labels shall be allowed after deducting all costs of printing and handling. When a distributor is granted a permit to report the quantity of seed sold and pay the inspection fee on the basis of this report in lieu of attaching or furnishing state seed commissioner tags or labels as provided in subsection (d), he may return for credit, within sixty (60) days after issuance of the permit, all unused state seed commissioner tags or labels whether obsolete or not. Those tags or labels submitted as blank will be credited at the purchase price and those that have been filled out will be credited for their purchase price less the cost of printing and handling.

(b) Each distributor of agricultural seed in packages of one (1) pound or less shall pay by January 15 of each year an annual fee of forty-five dollars (\$45) for each brand of seed distributed, and such distributor shall not be required to affix state seed commissioner tags or labels to such packages of one (1) pound or less which bear a

proper label. However, such payment of an annual fee shall not be required of retailers who furnish quantities of one (1) pound or less from a properly labeled container of seed on which the inspection fee has been paid.

(c) Any person who distributes agricultural or vegetable seeds in the state of Indiana may apply to the state seed commissioner for a permit to use his own labeling, to report the quantity of seed sold, and to pay the inspection fee on the basis of the report in lieu of attaching or furnishing state seed commissioner tags or labels. The inspection fee paid by such permit holder shall be at the rate of twenty-four cents (\$0.24) per one hundred (100) pounds of seeds of alfalfas, clovers, vegetables, and grasses and mixtures of same, with a minimum payment of six cents (\$0.06) for each package or container of more than one (1) pound and shall be at the rate of nine cents (\$0.09) per one hundred (100) pounds of all agricultural seeds other than alfalfas, clovers, and grasses, with a minimum payment of two and one-fourth cents (\$0.0225) for each package or container of more than one (1) pound. The inspection fee for vegetable seeds distributed in an assortment or other display unit, in packets of one (1) pound or less, shall be one dollar and fifty cents (\$1.50) for each assortment or unit. In making application for the permit, the distributor shall agree to the following:

- (1) Label the seed with the information required by law.
- (2) Keep such records as the state seed commissioner may consider necessary to indicate accurately the number and size of containers of each kind of agricultural and vegetable seed distributed and the quantity of such seeds distributed in bulk.
- (3) Grant the state seed commissioner or his authorized representative permission to examine such records and verify the statement of quantity of seeds distributed.
- (4) Report under oath to the state seed commissioner on forms furnished by the state seed commissioner the quantity of agricultural and vegetable seeds sold during the period covered.

The state seed commissioner may grant the permit if he determines that such a report of agricultural and vegetable seeds will lead to efficient enforcement of this chapter, and he may revoke the permit at any time if it appears to him that the distributor is not complying with the terms of the agreement entered into at the time of the issuance of the permit or the terms of this chapter. The report of sales shall be due and the inspection fees payable quarterly, on the last day of the month following the end of the quarter. If the report is not filed and the inspection fee not paid by the tenth day following the due date, or if the report of volume is false, or if the labeling requirements of this chapter have not been complied with, the state seed commissioner may revoke the permit. If the inspection fee is unpaid after the ten (10) day grace period, a penalty shall be assessed in the amount of ten percent (10%) in addition to the amount due.

(d) All fees collected by the state seed commissioner under this chapter shall be paid to the treasurer of Purdue University. The board of trustees of Purdue University shall expend the same on proper

vouchers to be filed with the treasurer of Purdue University who shall pay all such vouchers in meeting all necessary expenses in carrying out the provisions of this chapter including the employment of inspectors and seed analysts, expenses in procuring samples, printing bulletins giving the results of inspection, and for any other expenses of the Purdue University agricultural programs authorized by law and in support of the purposes of this chapter. The dean of agriculture shall make a financial report in such form as may be required by the state board of accounts to the governor showing the total receipts and expenditures of all fees received under the provisions of this chapter.

*(Formerly: Acts 1957, c.12, s.13.) As amended by Acts 1977, P.L.171, SEC.6; P.L.166-1985, SEC.2; P.L.40-1993, SEC.21.*

#### **IC 15-4-1-14**

##### **Business of selling seed under contract to purchase crop; license; bond; suspension or revocation of license; violations**

Sec. 14. (a) Any person who is engaged in the business of selling any agricultural or vegetable seed and who enters into a contract with the purchaser whereby he agrees to repurchase the seed crop produced by said purchaser at a price in excess of the current market price of the seed at the time of delivery, is required to secure an annual license from the state seed commissioner to engage in such business; in order to secure such license, the application for the license shall be accompanied by a bond with corporate surety, to be approved by the seed commissioner, in the penal sum of ten thousand dollars (\$10,000), running to the state, for the use and benefit of any such purchaser of seed who may have a cause of action against any seller who fails to comply with the terms of the purchase contract.

(b) Application for said license shall be made to the state seed commissioner and shall be accompanied by a fee of one dollar (\$1.00) for each place of business from which agricultural or vegetable seeds are distributed by the licensee, and said license shall expire at the end of the calendar year in which it is issued. The state seed commissioner may suspend, revoke, or refuse to issue such license to any person failing to comply with this chapter. If hearing is waived by nonappearance of the person at the time and place designated for the hearing, the state seed commissioner may proceed to act under this section and suspend, revoke or refuse to issue a license. The failure to fulfill any contract to deliver seed sold, or the failure to repurchase the seed crop produced from any agricultural or vegetable seed sold, shall be prima facie evidence of intent to defraud the purchaser if the crop produced by the purchaser meets the requirements as prescribed in the contract of sale. Whenever the state seed commissioner has evidence that a licensee has committed fraud on any purchaser, he shall immediately start proceedings to suspend or revoke the license issued to such licensee.

(c) Any applicant for a license may request the state seed commissioner to accept a verified financial statement of the assets of the applicant in lieu of the submission of a bond; and, if the state

seed commissioner, after an examination of the financial statement submitted by the applicant, is of the opinion that the applicant is financially responsible for any damage that may arise out of a breach of any such purchase contract, he may accept the statement in lieu of a bond.

(d) It is a Class B misdemeanor for a person to enter into a contract with a producer of any agricultural or vegetable seed, whereby the person sells seed and agrees to repurchase the seed crop produced therefrom at a price in excess of the current market price at the time of delivery, unless the person has a license as prescribed in subsection (a) of this section.

*(Formerly: Acts 1957, c.12, s.14.) As amended by Acts 1978, P.L.2, SEC.1523.*

#### **IC 15-4-1-15 Repealed**

*(Repealed by Acts 1977, P.L.171, SEC.7.)*

#### **IC 15-4-1-16**

##### **Political subdivision prohibited from regulating seeds; waiver**

Sec. 16. (a) Except as provided in subsection (c), a political subdivision (as defined in IC 36-1-2-13) may not regulate the advertising, labeling, distribution, sale, transportation, storage, or use of seeds.

(b) A political subdivision may, by resolution, petition the state seed commissioner for a hearing to allow a waiver to adopt an ordinance because of special circumstances relating to the advertising, labeling, distribution, sale, transportation, storage, or use of seeds. If a petition is received, the state seed commissioner shall hold a public hearing to consider granting the waiver requested. The public hearing must be conducted in an informal manner. IC 4-21.5 does not apply to a public hearing under this section.

(c) If the state seed commissioner, after a public hearing under subsection (b), grants a political subdivision's petition for a waiver, the political subdivision may regulate the advertising, labeling, distribution, sale, transportation, storage, or use of seeds to the extent allowed by the waiver.

*As added by P.L.40-2005, SEC.1.*